

EXHIBIT 1

Exhibit 1

Case Information

DC-18-05425 | VALENTINA SANCHEZ vs. QUIKTRIP CORPORATION, et al

Case Number	Court	Judicial Officer
DC-18-05425	134th District Court	TILLERY, DALE
File Date	Case Type	Case Status
04/24/2018	OTHER PERSONAL INJURY	OPEN

Party

PLAINTIFF

SANCHEZ, VALENTINA

Active Attorneys▼

Lead Attorney

FUTRELL, J

MARTIN

Retained

Work Phone

214-378-6665

Fax Phone

214-378-6670

DEFENDANT

QUIKTRIP CORPORATION

Active Attorneys▼

Lead Attorney

BRISCOE, B KYLE

Retained

Work Phone

214-999-0550

Fax Phone

214-999-0551

DEFENDANT

QUIK 'N TASTY FOODS, INC.

Active Attorneys▼

Lead Attorney

BRISCOE, B KYLE

Address

BY SERVING REGISTERED AGENT
Case 3:18-cv-01337-X Document 1-2 Filed 05/25/18 Page 3 of 32 PageID 9
MARSHALL J. WELLS
4705 S. 129TH AVE.
TULSA OK 74134

Retained
Work Phone
214-999-0550

Fax Phone
214-999-0551

Events and Hearings

04/24/2018 NEW CASE FILED (OCA) - CIVIL

04/24/2018 ORIGINAL PETITION ▾

20180424 SANCHEZ VALENTINA PLAINTIFF'S ORIGINAL
PETITION.pdf

04/24/2018 CASE FILING COVER SHEET ▾

20180424 SANCHEZ VALENTINA CIVIL CASE INFORMATION
SHEET.pdf

04/24/2018 JURY DEMAND

04/24/2018 ISSUE CITATION

04/25/2018 CITATION ISSUED ▾

DC-18-05425 (CIT 1).pdf

DC-18-05425 (CIT 2).pdf

04/25/2018 CITATION ▾

Anticipated Server
ESERVE

Anticipated Method
Actual Server
PRIVATE PROCESS SERVER

Returned
05/01/2018
Anticipated Server
ESERVE

Anticipated Method
Case 3:18-cv-01337-X Document 1-2 Filed 05/25/18 Page 4 of 32 PageID 10

Actual Server
OUT OF COUNTY

Returned
05/22/2018
Comment
ESERVE/KM

05/01/2018 NOTICE OF DISMISSAL FOR WANT OF PROSECUTION ▾

DC-18-05425 NDWOP.pdf

05/01/2018 RETURN OF SERVICE ▾

CITATION QuikTrip Corporation

Comment
CITATION QuikTrip Corporation

05/18/2018 ORIGINAL ANSWER - GENERAL DENIAL ▾

Ans.Orig (05-18-18).pdf

05/22/2018 RETURN OF SERVICE ▾

CITATION - QUIK 'N TASTY FOODS, INC.

Comment
CITATION - QUIK 'N TASTY FOODS, INC.

06/25/2018 DISMISSAL FOR WANT OF PROSECUTION ▾

Judicial Officer
TILLERY, DALE

Hearing Time
10:00 AM

EXHIBIT 2

Exhibit 2

**Service of Process****Transmittal**

04/27/2018

CT Log Number 533239906

TO: Marshall Wells
 QuikTrip Corporation
 4705 S 129th East Ave
 Tulsa, OK 74134-7008

RE: **Process Served in Texas**

FOR: QuikTrip Corporation (Domestic State: OK)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: VALENTINA SANCHEZ, Pltf. vs. QUIKTRIP CORPORATION and QUIK 'N TASTY FOODS, INC., Dfts.

DOCUMENT(S) SERVED: Citation, Return, Original Petition, First Request(s), Attachment(s)

COURT/AGENCY: Dallas County - District Court, TX
Case # DC1805425

NATURE OF ACTION: Employee Litigation - Personal Injury - 05/15/2014

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 04/27/2018 at 14:10

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10 o'clock a.m. of the Monday next following the expiration of twenty days after service

ATTORNEY(S) / SENDER(S): J. MARTIN FUTRELL
EBERSTEIN & WITHERITE, LLP
10440 N. Central Expressway
Suite 400
Dallas, TX 75231-2228
214-378-6665

ACTION ITEMS: CT has retained the current log, Retain Date: 04/30/2018, Expected Purge Date: 05/05/2018

 Image SOP

 Email Notification, Marshall Wells mwells@quiktrip.com
 Email Notification, Krissy Snow ksnow@quiktrip.com
 Email Notification, Ronald Collins rcollins@quiktrip.com

SIGNED:
ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
214-932-3601

TELEPHONE:

(LK) PSC 267
4-27-18

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**QUIKTRIP CORPORATION
SERVING REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VALENTINA SANCHEZ**

Filed in said Court **24th day of April, 2018** against

QUIK 'N TASTY FOODS, INC. AND QUIKTRIP CORPORATION

For Suit, said suit being numbered **DC-18-05425**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition **REQUEST FOR DISCLOSURE AND PRODUCTION**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 25th day of April, 2018.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Kari Malone, Deputy
KARI MALONE



ESERVE
CITATION
DC-18-05425
VALENTINA SANCHEZ
vs.
QUIKTRIP CORPORATION, et al
ISSUED THIS
25th day of April, 2018
FELICIA PITRE
Clerk District Courts,
Dallas County, Texas
By: KARI MALONE, Deputy
Attorney for Plaintiff
J MARTIN FUTRELL
10440 N CENTRAL EXPRESSWAY
SUITE 400
DALLAS TX 75231
214-378-6665
martin.futrell@ewlawyers.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No.: DC-18-05425

Court No. 134th District Court

Style: VALENTINA SANCHEZ

vs.

QUIKTRIP CORPORATION, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____. M. Executed at _____
within the County of _____ at _____ o'clock _____. M. on the _____ day of _____
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____
to certify which witness my hand and seal of office.

Notary Public _____ County _____

2-CIT ES

DC-18-05425

CAUSE NO. _____

VALENTINA SANCHEZ;

IN THE DISTRICT COURT OF

Plaintiff,

§

VS.

§

DALLAS COUNTY, TEXAS

QUIKTRIP CORPORATION; AND QUIK
'N TASTY FOODS, INC.;

§

Defendants.

§

§

§

§

JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE AND FIRST
REQUEST FOR PRODUCTION TO DEFENDANTS****TO THE HONORABLE COURT:**

Plaintiff Valentina Sanchez files Plaintiff's Original Petition complaining of Defendants QuikTrip Corporation and Quik 'N Tasty Foods, Inc.

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 pursuant to Rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

II. EXPEDITED TRIAL DECLARATION

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief of over \$200,000 but not more than \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

III. PARTIES

Plaintiff Valentina Sanchez is an individual residing in Arlington, Tarrant County, Texas. Her Social Security number is ***-**-963.

Defendant QuikTrip Corporation is a foreign corporation authorized to do business in the State of Texas. Defendant may be served by serving its registered agent, C T Corporation System at 1999 Bryan Street, #900, Dallas, Texas 75201.

Defendant Quik 'N Tasty Foods, Inc. is a foreign corporation authorized to do business in the State of Texas. Defendant may be served by serving its registered agent, Marshall J. Wells, 4705 S. 129th E. Ave., Tulsa, OK 74134.

IV. JURISDICTION AND VENUE

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident made the basis of this suit occurred in Dallas County, Texas. Venue therefore, is proper in Dallas County, Texas, pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

V. FACTS

On or about Thursday, May 15, 2014, Plaintiff Valentina Sanchez was an employee of Defendant QuikTrip Corporation and/or Defendant Quik 'N Tasty Foods, Inc. and was working on the premises at the warehouse in Coppell, Dallas County Texas. Plaintiff Valentina Sanchez was performing her duties at the direction and under the control of Defendants, and in accordance with the instructions given to her by Defendants at the time of the incident. Plaintiff was cleaning flour out of the dough-cutting machine in the bakery when the machine caught the ring finger of her left hand causing it to be

impaired. As a result of the incident, Plaintiff suffered extensive injuries and damages and continues to suffer such injuries and damages.

VI. CAUSES OF ACTION

At the time of the incident made the basis of this suit, Defendant QuikTrip Corporation and/or Defendant Quik 'N Tasty Foods, Inc. was a "non-subscriber" as defined under the Texas Workers' Compensation law and are liable for suit under Section 406 of the Texas Labor Code. Therefore, Defendant QuikTrip Corporation and/or Defendant Quik 'N Tasty Foods, Inc. may not assert in this action that: (1) Plaintiff was guilty of contributory negligence; (2) Plaintiff assumed the risk of injury or death; or (3) Plaintiff's injury or death was caused by the negligence of a fellow employee.

Employers in Texas owe certain continuous, non-delegable duties to their employees. Among these are the duties to (1) furnish a reasonably safe place to work, (2) warn employees of hazards of their employment that are not commonly known or already appreciated, (3) supervise employees' activities, (4) hire competent co-employees, (5) furnish reasonably safe instrumentalities with which to work, and (6) provide safety regulations. An employer must also train employees in the safe use and handling of products and equipment used in and around an employer's premises or facilities. An employer must exercise ordinary care, based on standard negligence principles, in carrying out these duties.

Defendant QuikTrip Corporation and/or Defendant Quik 'N Tasty Foods, Inc., through their agents, servants, and/or employees, breached these duties by:

- a. Failing to implement policies and procedures regarding workplace safety, including but not limited to policies involving proper maintenance and

inspections of the dough-cutting machine for dangerous conditions such as a conveyor band;

- b. Failing to train its employees regarding the above-referenced policies and procedures;
- c. Failing to supervise its employees to make sure the above-referenced policies and procedures were followed;
- d. Hiring the careless and/or incompetent employee(s) who failed to maintain and/or inspect the dough-cutting machine for dangerous conditions; and
- e. Hiring careless and/or incompetent managerial staff who failed to provide the necessary policies, training, and/or supervision.

Each of the foregoing acts or omissions, singularly or in combination with others, constituted negligence, which proximately caused the above-referenced occurrence and Plaintiff's injuries and damages.

VIII. DAMAGES

As a proximate result of Defendant's negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff seeks monetary damages against the Defendant for the following:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Physical pain and suffering in the past and future;
- d. Mental anguish in the past and future;
- e. Physical impairment in the past and future; and
- f. Disfigurement.

IX. JURY DEMAND

Plaintiff demands a trial by jury and includes the appropriate jury fee.

X. REQUEST FOR DISCLOSURE

Pursuant to Rule 194, all Defendants are requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a)-(l).

XI. DISCOVERY DOCUMENTS

Contemporaneously with this petition, Plaintiff serves to Defendants Plaintiff's First Request for Production of Documents to Defendants.

XII. RELIEF

Plaintiff prays that the Defendant be cited to appear and answer herein, and that upon final hearing in this cause, Plaintiff have judgment against Defendants for the following:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
5. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;
6. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;
7. Plaintiff's disfigurement in the past and future in an amount to be determined by the jury;
8. Interest on the judgment at the legal rate from the date of judgment;
9. Pre-judgment interest on Plaintiff's damages as allowed by law;
10. All costs of court; and

11. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

EBERSTEIN & WITHERITE, LLP

BY: *Isi J. Martin Futrell*
J. MARTIN FUTRELL
State Bar No. 24085777
martin.futrell@ewlawyers.com
AMY K. WITHERITE
State Bar No. 00788698
amy.witherite@ewlawyers.com
10440 N. Central Expressway
Suite 400
Dallas, TX 75231-2228
214/378-6665
214/378-6670 (fax)

ATTORNEYS FOR PLAINTIFF

CAUSE NO.

VALENTINA SANCHEZ;

Plaintiff,

vs.

**QUIKTRIP CORPORATION; AND QUIK
'N TASTY FOODS, INC.;**

Defendants.

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

JUDICIAL DISTRICT

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT
QUICKTRIP CORPORATION**

TO: Defendant, QuickTrip Corporation.

Plaintiff Valentina Sanchez propounds First Request for Production to Defendant QuickTrip Corporation pursuant to the Texas Rules of Civil Procedure to be answered by Defendant within fifty (50) days of the date of service.

Respectfully submitted,

EBERSTEIN & WITHERITE, LLP

BY: /s/ J. Martin Futrell
J. MARTIN FUTRELL
State Bar No. 24085777
martin.futrell@ewlawyers.com
AMY K. WITHERITE
State Bar No. 00788698
amy.witherite@ewlawyers.com
10440 N. Central Expressway
Suite 400
Dallas, TX 75231-2228
214/378-6665
214/378-6670 (fax)

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served to the Defendant QuickTrip Corporation along with Plaintiff's Original Petition and Request for Disclosure.

/s/ J. Martin Futrell
J. Martin Futrell

DEFINITIONS

1. "You," and "Your," and "Defendant" mean Defendant, QuickTrip Corporation, as captioned in Plaintiff's Original Petition, and all other person or entities acting on your behalf and all employees who work on your behalf in the course and scope of your employment and in furtherance of your business. "You" also includes any agent that acts on your behalf.
2. The terms "and" and "or" as used herein are to be interpreted both disjunctively and conjunctively.
3. "Document" and "documents" as used herein shall mean the original and each non-identical copy (whether different from the original because of marginal notes, or other material inserted therein, or attached thereto or otherwise) written or graphic matter, however produced or reproduced, whether sent or received, or neither, including drafts and both sides thereof, and including, but not limited to, printed, typewritten, emails and computer printed or written matter, and mechanical, magnetic and electronic recordings and shall include, without limitation, letters, telegrams, cablegrams, telex messages, TWX messages, correspondence, notations, work papers, transcripts, corporate books or minutes, reports, memoranda studies, summaries, agendas, bulletins, records of telephone or other conversations, or of interviews, conferences or other meetings, maps, charts, plans, specifications, diagrams, photographs, affidavits, statements, statistical diagrams, records, lists, tabulations, memoranda, notes, diaries, calendars, calendar pads, newspaper clippings, appointment books or records, reports, worksheets, printed business forms, expense account reports or records, contracts, agreements, accounting records (including loan history), promissory notes, security agreements, pledge agreements, guaranties, loan agreements, credit reports, loan applications, financial statements, loan memoranda, private placement memoranda, bank statements, certificates of deposit, letters of credit, bids, quotations, proposals, bills, invoices, statements and other books, records, papers, copies, and drafts and proposed forms of any of such items or matters, or tapes, disks, sound records, computer printouts, data processing input and output, microfilm, microfiche, all other records kept by electronic, photographic, or mechanical means, and items similar to all of the foregoing which were prepared by you or for you, or which are in or subject to your possession, custody, or control. The term "document" shall also include all "writings and recordings" as defined by Rule 1001 of the Texas Rules of Civil Evidence. If any tape, disk, card, wire, or other electronic or mechanical recording or transcript or any computer program is produced, you shall

also produce such documents as are necessary for decoding, playing back, printing out, and/or interpretation thereof, and any other documents which are necessary to convert such information into a useful and usable format. If you can demonstrate that the original is unavailable, the terms "document" and "documents" shall also include a copy of the original.

4. The "incident," or "incident in question" refers to the injury received by Plaintiff on Tuesday, September 13, 2016, at QuickTrip within the city limits of Copell, County, Texas.

REQUEST FOR PRODUCTION

Pursuant to Rule 196 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff serves the following Requests for Production of Documents on Defendant QuickTrip Corporation. Defendant is requested to respond fully, in writing, and in accordance with TRCP 196. The documents requested are to be produced to Plaintiff's counsel within fifty (50) days after service of this request. You are further advised that you are under a duty to reasonably supplement your answer.

NOTE: For each separately numbered request below please delineate each set of documents so that it can be easily ascertained which documents relate to which numbered request.

REQUEST NO. 1: A copy of the employee manuals or documents that you used at the time of the incident in question.

RESPONSE:

REQUEST NO. 2: A copy of any and all workplace safety manuals or safety training documents that you used at the time of the incident in question.

RESPONSE:

REQUEST NO. 3: A copy of all incident reports made regarding the incident in question.

RESPONSE:

REQUEST NO. 4: A copy of any and all training manuals or documents on cleaning of the dough-cutting machine Plaintiff was using at the time of the incident in question.

RESPONSE:

REQUEST NO. 5: A complete copy of Plaintiff's employee file maintained by Defendant.

RESPONSE:

Angela Conejo

Cause No. DC-18-05425

VALENTINA SANCHEZ;
Plaintiff,

VS.

IN THE DISTRICT COURT

134th JUDICIAL DISTRICT

QUIKTRIP CORPORATION; AND
QUIK 'N TASTY FOODS, INC.;
Defendants.

DALLAS COUNTY, TEXAS

RETURN OF SERVICE

Came to hand on the 26th day of April, 2018 at 4:30 P.m. and executed
at 1999 Bryan #900 Dallas Texas 75201,
(Address) (Apt#) (City) (State) (Zip Code)
within the county of Dallas on the 27th day of April, 2018 at
2:10 P.m. by delivering to Quiktrip Corporation, by delivering to Its Registered
Agent, CT Corporation System, accepted by Antoinette Williams an employee of CT
Corporation System, in person, a true copy of the Citation together with a true and correct copy
of the Plaintiff's Original Petition, Request for Disclosure, and First Request for Production filed
in this cause, having first endorsed thereupon the date of delivery.

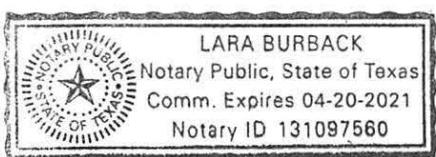
By: Randolph Burback
Private Process Server

PSC# 267 Expires: 7-31-2020

VERIFICATION

BEFORE ME, a Notary Public, on this day personally appeared
Randolph Burback known to be the person whose name is subscribed to the
foregoing document and being by me first duly sworn, declared that the statements therein
contained are true and correct and that he is not a party to this lawsuit and has no interest in the
outcome. Given under my hand and seal of office this 27th day of April, 2018.

Lara Burback
Notary Public, State of Texas



**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**QUIKTRIP CORPORATION
SERVING REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VALENTINA SANCHEZ**

Filed in said Court **24th day of April, 2018** against

QUIK 'N TASTY FOODS, INC. AND QUIKTRIP CORPORATION

For Suit, said suit being numbered **DC-18-05425**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition **REQUEST FOR DISCLOSURE AND PRODUCTION**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 25th day of April, 2018.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
KARI MALONE



ESERVE

CITATION

DC-18-05425

VALENTINA SANCHEZ

vs.

QUIKTRIP CORPORATION, et al

ISSUED THIS
25th day of April, 2018

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: **KARI MALONE**, Deputy

Attorney for Plaintiff
J MARTIN FUTRELL
10440 N CENTRAL EXPRESSWAY
SUITE 400
DALLAS TX 75231
214-378-6665
martin.futrell@ewlawyers.com

DALLAS COUNTY
SERVICE FEES
NOT PAID

Cause No. DC-18-05425

VALENTINA SANCHEZ;
Plaintiff,

VS.

IN THE DISTRICT COURT

134th JUDICIAL DISTRICT

**QUIKTRIP CORPORATION; AND
QUIK 'N TASTY FOODS, INC.;
Defendants.**

DALLAS COUNTY, TEXAS

RETURN OF SERVICE

Came to hand on the 7 day of May, 2018 at 4:30 p.m. and executed
at 4705 S. 129th E. Ave. (Address) Tulsa (Apt#) OK 74134,
(City) (State) (Zip Code)
within the county of Tulsa on the 10 day of May, 2018 at
4:05 p.m. by delivering to Quik 'N Tasty Foods, Inc., by delivering to Its Registered
Agent, Marshall J. Wells, in person, a true copy of the Citation together with a true and correct
copy of the Plaintiff's Original Petition, Request for Disclosure, and First Request for Production
filed in this cause, having first endorsed thereupon the date of delivery.

By: Christina Ryback
Private Process Server

VERIFICATION

BEFORE ME, a Notary Public, on this day personally appeared
Christina Ryback, known to be the person whose name is subscribed to the
foregoing document and being by me first duly sworn, declared that the statements therein
contained are true and correct and that he is not a party to this lawsuit and has no interest in the
outcome. Given under my hand and seal of office this 15 day of May, 2018.

Christina Ryback
Notary Public, State of Oklahoma



185. *Leucosia* sp. (Diptera: Syrphidae) was collected from the same area as the *Chrysanthemum* sp. plants.

Geoffroyia

21398 (cont'd)

Digitized by srujanika@gmail.com

Digitized by srujanika@gmail.com

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**QUIK 'N TASTY FOODS, INC.
SERVING REGISTERED AGENT MARSHALL J WELLS
4705 S 129TH E. AVE
TULSA OK 74134**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 134th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **VALENTINA SANCHEZ**

Filed in said Court **24th day of April, 2018** against

QUIK 'N TASTY FOODS, INC. AND QUIKTRIP CORPORATION

For Suit, said suit being numbered **DC-18-05425**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition **REQUEST FOR DISCLOSURE AND PRODUCTION**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 25th day of April, 2018.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

/s/ Kari Malone
By _____, Deputy
KARI MALONE



ESERVE

CITATION

DC-18-05425

**VALENTINA SANCHEZ
vs.
QUIKTRIP CORPORATION, et al**

**ISSUED THIS
25th day of April, 2018**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: KARI MALONE, Deputy

**Attorney for Plaintiff
J MARTIN FUTRELL
10440 N CENTRAL EXPRESSWAY
SUITE 400
DALLAS TX 75231
214-378-6665
martin.futrell@ewlawyers.com**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

EXHIBIT 3

Exhibit 3



JUDGE DALE TILLERY PRESIDING
134TH JUDICIAL DISTRICT COURT
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202-4606
214/653-7546 -- 134th Ct. Clerk
214/653-6995 -- Ct. Coordinator
fly@dallascourts.org

FILED
DALLAS COUNTY
5/1/2018 9:21 AM
FELICIA PITRE
DISTRICT CLERK

April 27, 2018

J MARTIN FUTRELL
10440 N CENTRAL EXPRESSWAY
SUITE 400
DALLAS TX 75231

Re: VALENTINA SANCHEZ vs. QUIKTRIP CORPORATION, et al
DC-18-05425

All Counsel of Record/Pro Se Litigants:

Pursuant to Rule 165A of the Texas Rules of Civil procedure, and the inherent power of the Court, the above case is set for dismissal on:

June 25, 2018 at 10:00 AM

If **NO ANSWER** has been filed you are expected to have moved for a default judgment on or prior to the above stated date. Failure to move for a default judgment will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale B. Tillery".
DALE TILLERY
Presiding Judge

pc: J MARTIN FUTRELL

EXHIBIT 4

Exhibit 4

CAUSE NO. DC-18-05425

VALENTINA SANCHEZ, Plaintiff,	§	IN THE DISTRICT COURT
	§	
	§	
V.	§	134 TH JUDICIAL DISTRICT
	§	
	§	
QUIKTRIP CORPORATION, AND QUIK 'N TASTY FOODS, INC. Defendants.	§	DALLAS COUNTY, TEXAS
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**DEFENDANTS QUIKTRIP CORPORATION AND QUIK 'N TASTY FOODS, INC.
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Defendants, QuikTrip Corporation and Quik 'N Tasty Foods, Inc., file this Original Answer to Plaintiff's Original Petition and, in support thereof, would respectfully show as follows:

**I.
GENERAL DENIAL**

Defendants deny each and every material allegation contained in Plaintiff's Original Petition, demand strict proof thereof, and to the extent that such matters are questions of fact, say Plaintiff should prove such facts by a preponderance of the evidence to a jury if she can so do.

**II.
DEFENSES AND LIMITATIONS ON DAMAGES AND LIABILITY**

Defendants specifically deny Plaintiff's claims that they were negligent in any manner.

III.

Pleading further, Defendants claim that Plaintiff failed to use that degree of care and caution as would have been used by a reasonable person under the same or similar circumstances, thereby producing or proximately causing Plaintiff's alleged damages, if any.

Such acts or omissions of Plaintiff were the sole proximate cause of Plaintiff's alleged damages, if any.

IV.

Defendants would show that the incident complained of was an unavoidable accident, as that term is known in law.

V.

Defendants contend that Plaintiff's alleged damages or injuries, if any, were caused by the acts and/or omissions of one or more third persons not under the control of Defendants. Such acts and/or omissions of said third persons were the sole and/or a producing and/or a proximate and/or a supervening and/or an intervening cause of Plaintiff's alleged damages or injuries, if any.

VI.

Defendants contends that they are not liable to Plaintiff because she was doing the same character of work that she had always done, and that other employees were required to do, and the work involved was not unusual.

VII.

Defendants asserts that they owed Plaintiff no duty to warn, train, supervise, or provide additional equipment or otherwise protect Plaintiff because the task she was performing did not require special training or tools, and the risks associated with it are open and obvious, commonly known and/or appreciated by Plaintiff.

VIII.

Defendants assert that they had neither actual nor constructive knowledge of the allegedly-hazardous condition about which Plaintiff complains, and that in any event, the alleged hazard was not “unreasonably dangerous.”

IX.

Pleading further and in the alternative, Defendants claim that the premises condition asserted by Plaintiff in her *Original Petition* was known to Plaintiff, was open and obvious, and/or was not concealed from Plaintiff and, therefore, Defendants deny that it owed any duty to warn Plaintiff of the alleged premises condition or protect her from same.

X.

Defendants state that Plaintiff’s damages complained of, if any, may have been the result of prior or pre-existing injuries, accidents, or conditions, and said prior or pre-existing injuries, accidents, or conditions may have been the sole and/or a contributing cause of the Plaintiff’s damages alleged against Defendants.

XI.

Further, Defendants contend that Plaintiff may have breached her duty to mitigate damages by failing to exercise reasonable care and diligence to avoid loss and minimize the consequences of damages.

XII.

Defendants contend that any claims for medical or health care expenses is limited to the amount actually paid or incurred by or on behalf of Plaintiff, pursuant to Texas Civil Practice and Remedies Code § 41.0105.

XIII.

Defendants contend that, pursuant to § 18.091 of the Texas Civil Practice & Remedies Code, to the extent Plaintiff is seeking a recovery for loss of earnings, lost wages, loss of earning capacity and/or loss of contributions of pecuniary value, evidence of this alleged loss must be presented by Plaintiff in the form of a net loss after reduction for income tax payments, or unpaid tax liability to any federal income tax law.

XIV.

Defendants state that, in the unlikely event an adverse judgment would be rendered against them in this matter, Defendants would respectfully pray for contribution, indemnity and/or all available credits as provided for in the Texas Civil Practice and Remedies Code and under Texas law.

XV.

Defendants further plead that they are entitled to a credit and/or offset against any judgment that may be rendered against them for any and all amounts they paid to or on behalf of Plaintiff under any of Defendants' benefit/insurance programs.

XVI.

REQUEST FOR COURT REPORTER

Defendants respectfully demand a court reporter be present at all proceedings before the Court.

XVII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully pray that Plaintiff take nothing by this cause of action, that Defendants be permitted to recover the costs expended on their behalf, and for such other and further relief to which Defendants may show themselves justly entitled, both at law and in equity.

Respectfully submitted,

/s/ B. Kyle Briscoe
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record pursuant to, and in accordance with, the Texas Rules of Civil Procedure on May 18, 2018.

/s/ B. Kyle Briscoe
B. Kyle Briscoe